

Developer sues city over Norton 'clear zone'

By CRAIG STAATS
Sun Staff Writer

SAN BERNARDINO — The owner of a 22½-acre lot near Norton Air Force Base's main runway has filed a lawsuit against the city of San Bernardino, asking, in effect, that the city either permit development of the \$1.7 million property or buy it.

The suit, filed on Friday in Superior Court here by Brion Corp. of Hawaiian Gardens, seeks to force the city to drop a requirement that both Norton and the county Airport Land Use Commission approve a proposed industrial park on the southeast corner of Central and Tippecanoe avenues.

Both agencies have objected because the industrial park is partly within the 3,000-foot by 3,000-foot "clear zone" at the west end of the base's main runway where, in theory, no development should

occur because of aircraft noise and potential accidents.

The firm, which had hoped to develop a 10-lot industrial park for light manufacturing and warehousing, says state law does not permit the city to delegate its decision-making powers to the land use commission, which has only advisory powers.

Similarly, the petition says the city may not delegate the establishment of conditions on the development to Norton.

"... if such conditions are allowed to stand, there is no economic use to which the property can be put," the suit says.

The city's decision to require approval of the two agencies "is in excess of the jurisdiction of the city and an abuse of discretion in that it constitutes a taking of private property for public use without

compensation," the suit adds.

Assistant City Attorney Paul F. Mordy declined immediate comment on Brion's petition, saying that he had not had time to study it or the city's actions in the matter. "I'm going to have to review it," he said.

A hearing was tentatively set for 8:30 a.m. Sept. 8 before Superior Court Judge Don A. Turner.

The dispute originated in January 1980 when Brion sought the city's permission to subdivide the property into 14 lots.

Jerry Appleget, vice president of L.D. Lansing & Associates, the engineers and part-owners of the property, said the property was zoned for light manufacturing and the use was proper under both the property's zoning and the city's general plan.

At the time, Appleget said, city officials indicated

the property was not within Norton's clear zone. The firm did, however, reduce the number of lots to 10 after city officials questioned the original plan.

However, when planning commissioners recommended approval of the tentative map in April, that approval included the disputed conditions.

The firm appealed and in an unusually blunt letter to the mayor and City Council, Appleget indicated they were contemplating a lawsuit against either the Air Force or the city.

He noted that the Air Force operates several facilities within the clear zone, including a theater, commissary, barracks, maintenance buildings and

(Continued on B-6, Col. 1)

metro

Tuesday, Aug. 4, 1981

The Sun, San Bernardino, California

B Section

OIA cancels flights as strike hits

By JOHN WHITEHAIR
Sun Staff Writer

ONTARIO — Airlines at Ontario International Airport (OIA) started canceling flights Monday in the wake of the air traffic controllers strike that is forcing many travelers to scramble for other means of transportation.

The men and women who operate the Federal Aviation Administration (FAA) control towers and radar facilities in Southern California joined the nationwide strike at 7 a.m. and "are prepared to stay off the job indefinitely," said spokesman Tom Thompson.

"Everybody made up their mind and decided what they're going to do and are staying with it."

"It's a strike," said Thompson, president of the Professional Air Traffic Controller Organization chapter at the OIA radar facility.

"It's we ain't doing this job for that much money any more," said Dean Elliott, who works at the Ontario radar facility.

"You can call it whatever you want, but that's the bottom line."

The strikers will ignore any court order to return to work, Thompson said, and are not afraid of going to jail or losing their jobs.

"I expect so. Absolutely," said Jim Bean who also works at the radar facility.

Thompson said the controllers are hopeful their strike will help them win a shorter work week which is developing as the main issue.

"I hope so. I think so. I believe if we stick together and act like a union we'll win."

"There's no way we can be replaced without the transportation system suffering a massive hemorrhage," he said.

Thompson asked the traveling public, which may have to find other means of transportation, to "hang in there" and said they would be more understanding of the strike if they saw how hard a controller works.

The FAA has put supervisors at the Ontario area facilities on nine-hour days, six days a week to keep the system operating along with those who are not striking and keep as many planes in the air as possible, said Jim Holtscaw, chief

Air traffic controller Gary Mc-Clenahan worked last night, but not at his usual post at Ontario International Airport. Instead, he worked to help reassure his fellow strikers. Story on B-4.

of the FAA tower and radar facility at OIA.

The supervisors can do the job just as well as the strikers while keeping the skies safe, he said.

But the controllers say the supervisors are incompetent and the situation could get worse as they tire from the hectic routine.

"I would not fly right now."

"It might look like the system's working because they had more management show up than the normal amount of controllers that would be there anyway," Thompson said.

(Continued on B-4, Col. 3)



Staff photo by Gary Voth

Summer cycle

These cyclists appear to be taking their sport seriously as they draft behind a car coming down

Highway 18 into San Bernardino. They were traveling at about 40 mph plus.

Davenport to seek bankruptcy extension

By RICK BURNHAM
Sun Business Editor

SAN BERNARDINO — Attorneys for Dr. Donald J. Davenport said Monday they will seek a 30-day extension to list amounts owed creditors, including Seventh-day Adventist Church organizations and individuals, named in his bankruptcy filing July 22.

Robert Schutan of the Los Angeles law firm of Seidley and Austin said the extension would be requested, "probably for 30 days," to allow accountants time to complete their work in the case.

Among those who invested funds with Davenport, according to the bankruptcy petition, are at least nine San Bernardino area individuals, including V. Noriskov

Olsen, president of Loma Linda University.

Although many Adventist church organizations also invested funds with Davenport, neither the university nor the Riverside-based Southeastern California Conference of the church did so, Adventist officials said last week.

Olsen, contacted Monday, reiterated that the university had not invested funds with Davenport but declined comment on his own investment.

Davenport said in his petition for reorganization under Chapter 11, filed in Los Angeles, that he owed his 10 largest creditors a total of \$5.3 million.

But he did not indicate in the shortened filing how much was owed to an estimated

250 additional creditors, many of whom are Adventist officials and individuals who reportedly invested their life savings with Davenport.

Among Davenport's 10 largest creditors are First Interstate Bank, \$1.8 million; Imperial Bank, which is listed as "over \$1 million," and First Los Angeles Bank, \$750,000.

The North American Division of the General Conference of the Seventh-day Adventist Church has launched an investigation to determine how much money church organizations and regional conferences invested through Davenport.

Davenport is a 1940 graduate of Loma

Linda University's medical school. Shortly after graduation, he turned to real estate investments and is credited with building 37 post offices in Arizona, Nevada and California.

By 1962, Davenport had retired from practice and was devoting full time to his real estate investments.

Ernest F. Ching, a Tustin attorney and an Adventist, said Davenport often brought his investors excellent returns, and news of his success quickly spread through Adventist organizations, bringing him more investors. Ching is representing a number of individuals who invested funds with Davenport.

Tearful teenager tells of her role in arson case

By MARK LUNDAHL
Sun Staff Writer

SAN BERNARDINO — A tearful 15-year-old girl described at a court hearing Monday how she was allegedly directed to set fire to a Crestline home and then flee with three children she was babysitting.

The teenager — who has already confessed in a juvenile court hearing to setting the Nov. 20 fire that destroyed a house at 738 Chateau Drive — testified for the prosecution in the second day of a preliminary hearing for three adults accused in the arson conspiracy case.

Sheriff's deputies also confirmed Monday that the owner of the Crestline home and central figure in the case, Julio "Bill" Rodriguez, 32, attempted to take his own life over the weekend.

Rodriguez reportedly slashed his wrists with a broken razor blade Sunday night in County Jail but was not seriously injured, deputies said.

He was treated at the County Medical Center and appeared at Monday's municipal court hearing.

Officials said Rodriguez left a note expressing despondency over possibly going to prison. He is charged with conspiracy to commit arson, insurance fraud, grand theft and engaging in unlawful sex with a minor.

Rodriguez' attorney, C.A. Broderick, called for a con-

tinuance of the preliminary hearing because of his client's health. But his motion was rejected by Judge David Aaron during a closed session in the judge's chambers.

Deputy District Attorney Dennis Tilton made a motion that Rodriguez' bail be increased to \$100,000, stating that the defendant's suicide attempt and related note shows that he would probably flee if he were to make bail, which

is set at \$50,000. That request was also denied.

Motions aside, most of Monday's hearing was devoted to the emotional testimony by Cindy Akins of Rialto.

Akins, who said she was babysitting Rodriguez' three children at the Crestline home when she started the fire, told the court that she set the blaze "because Bill (Rodriguez) wanted me to do it."

Prosecutor objects to Diaz' expert witness

By JEANNINE GUTTMAN
Sun Staff Writer

CHINO — The second week of nurse Robert R. Diaz' preliminary hearing barely got off the ground Monday as testimony from an expert witness for Diaz became lost in an sea of protests from the prosecution.

With most of the court's time spent on dealing with the objections from Deputy District Attorney Gary Admire, hardly any actual testimony was elicited from Barbara Huttman, a registered nurse from San Francisco who was dubbed the defense's "star witness."

Admire objected to Huttman's status as an "unbiased, expert witness" because the nurse testified

that she is writing an article about Diaz. Huttman said she is interested in Diaz' story and wants to write about him and "about the scapegoating of (other) nurses."

After the day-long series of legal squabbles between Admire and Diaz' attorney, Edison P. McDaniels of San Bernardino, Municipal Court Judge Holley Graham ordered the hearing recessed to 10 a.m. today.

It is not known how much longer Diaz' preliminary hearing will continue, but Admire said he expects that it may last another full week.

Diaz is charged with four counts of possession of hospital drugs and one count of stealing pharmacy

NEW ROOFS RE-ROOFING
REPAIRS
FREE ESTIMATES
MORRISON-HOPE, INC.
205 SO. ARROWHEAD 885-6881

TONIGHT ONLY!!
COMPLETE
PORK CHOP DINNER
MR. STEAK NOW
2566 E. Highland 862-3727 \$4.45
Now Serving Beer & Wine

MOVED TO
1277 No. "E" SAN BDNO.
'BUD' RICKERT'S
ART CENTER INC.
ARTISTS SUPPLIES 885-7202 PICTURE FRAMING

To place your classified ad, call ...
888-3252

SUMMER SALE
ALL CLOTHING ½ PRICE
WED., AUG. 5 & FRI., AUG. 7
9:30-4
VOLUNTEER THRIFT SHOP
700 E. Gilbert, San Bernardino

RENT A TV
at JOHNNY'S
882-7377
Option To Buy!

Largest Display in the Valley
LA-Z-BOY
Recliner Rocker Sale!!
from \$219.
Free Delivery
EASTSIDE MAPLE
25809 E. Baseline, San Bernardino
(One Block East of Sterling Ave.)
862-2259 889-4015

Glow was no UFO

If you saw a "big ball of light" in the sky that shot out orange flames and then disappeared early Monday morning, there's possibly an answer.

Kathy Smith of Bloomington saw the object that she described as "looking to me like a big red angel fish" while on Highway 91 in Corona on her way to work about 3 a.m.

Lt. Maureen Piraino at Vandenberg Air Force Base said that what persons probably saw was the result of a missile launch.

Often when missiles are fired from the base they produce a "twilight" effect that creates a rainbow of colors and shapes sometimes seen as far away as northern Washington, said Piraino.